

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: )  
Brain B. Lentrichia )      **Group Art Unit: Not-Yet-Assigned**  
Serial No.: Not-Yet-Assigned )  
Filed: September 25 2003 )      **Examiner: Not-Yet-Assigned**  
For: ANALYTE SAMPLE DETECTION )  
\_\_\_\_\_  
)

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00). Copies are not enclosed according to US Patent & Trademark Office waiver of requirement under 37 CFR 1.98 (a)(2)(i) for patent applications filed after June 30, 2003. Copies of other items cited in the referred form are enclosed.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- Please charge \_\_\_\_\_ to Deposit Account No. **50-2518** for the above fee(s).

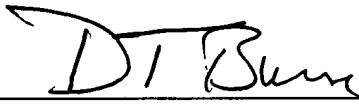
The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: September 25, 2003

By: \_\_\_\_\_

  
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Reg. No. 37,104

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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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|------------------------------------------------------|---|----|---|--------------------------|--------------------|
| Substitute for form 1449A/PTO                        |   |    |   | <b>Complete if Known</b> |                    |
| <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> |   |    |   |                          |                    |
| (use as many sheets as necessary)                    |   |    |   |                          |                    |
| Sheet                                                | 1 | of | 1 | Attorney Docket Number   | 2024738-7030290000 |

| <b>U.S. PATENT DOCUMENTS</b> |                       |                      |                                      |                                                 |                                                     |
|------------------------------|-----------------------|----------------------|--------------------------------------|-------------------------------------------------|-----------------------------------------------------|
| Examiner Initials *          | Cite No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY |
|                              |                       | Number               | Kind Code <sup>2</sup><br>(if known) |                                                 |                                                     |
|                              | 1                     | 4,200,690            |                                      | Root et al                                      | 04-29-1980                                          |
|                              | 2                     | 4,407,943            |                                      | Cole et al                                      | 10-04-1993                                          |
|                              | 3                     | 4,960,692            |                                      | Lentrichia et al                                | 10-02-1990                                          |
|                              | 4                     | 5,185,084            |                                      | Lapidus et al                                   | 02-09-1993                                          |
|                              | 5                     | 5,266,495            |                                      | Lapidus                                         | 11-30-1993                                          |
|                              | 6                     | 5,942,700            |                                      | Radcliffe et al                                 | 08-24-1999                                          |
|                              | 7                     | 6,010,909            |                                      | Lapidus                                         | 01-04-2000                                          |
|                              | 8                     | 6,225,125            |                                      | Lapidus                                         | 05-01-2001                                          |
|                              |                       |                      |                                      |                                                 |                                                     |

| <b>OTHER DOCUMENTS -- NON PATENT LITERATURE</b> |                       |                                                                                                                                                                                                                                                                 |                |
|-------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Examiner Initials *                             | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                                 | 9                     | CHE-AN KU, et al, "Effects of Diffusion Limitation on Binding of Soluble Ligand to Avidin-Couple Latex Particles" Journal of Colloid and Interface Science, Vol. 132, No. 2, October 15, 1989, pages 579 -584                                                   |                |
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|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

PA:52118760.1/2024738-7030290000